IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

(Attorney Docket No. 03-509-A)

In the Application of:	)		
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Chris E. Matichuk	)	Art Unit: 2145	
	)		
Serial No.: 09/972,424	)	Examiner: Azizul Q. Choudhury	
	)		
Filed: October 4, 2001	)	Confirmation No. 8244	
	)		
For: One Click Web Records	)		

APPEAL BRIEF

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I.   Real Party in Interest

The real party in interest for the above-referenced application is THE DIRECTV GROUP, INC., 2230 E. Imperial Highway, El Segundo, California 90245.

II.   Related Appeals and Interferences

Appellants' legal representative is unaware of any other appeals or interferences that will directly affect, be directly affected by, or have any bearing on the Board's decision in the pending appeal.

III.   Status of Claims

Claims 1-40 are pending and all stand finally rejected. The rejection of claims 1-40 are being appealed. A clean set of the claims involved in the appeal is attached in the Claims Appendix beginning at page 15.

IV.   Status of Amendments

No amendments were filed subsequent to the Final Rejection mailed July 23, 2009.

V.   Summary of Claimed Subject Matter

A.   Overview

The claims on appeal relate to systems and methods that simultaneously address two problems: helping viewers to remotely record broadcast programs when they are not in front of their television sets, and helping broadcasters to promote those programs.

In one example, a user may not be at home, but can still click on a Web-based advertisement for a broadcast program to remotely the viewer's digital video recorder to record a program when it is broadcast. Thus, in this example, a viewer can remotely

program a recorder in one location (e.g., at home) even when the viewer is in a different location (e.g., at work).

The independent claims at issue are summarized in the following sections, with reference to the specification to which they are appended. The references to the specification provide examples of the claim element for which they are provided; those claim elements should not be understood as limited to the referenced examples, nor should the claims be understood as limited to the embodiments of which the referenced examples are a part.

B.   Independent Method Claims

Independent **claim** 1 recites a method of programming a media-based device over a network. An advertisement is enabled to be provided on a first web site (Page 82, lines 6-7; Fig. 32, element 604; Fig. 33, step 608.) This advertisement is for a broadcast program. The broadcast program is scheduled to be broadcast at a predetermined start time. (Page 82, lines 6-7; Fig. 32, element 602) ("tonight at 9PM1').) The method further enables selection of the advertisement. In response to selection of the advertisement (Page 82, lines 10-14; Fig. 33, step 6141, the method allows automatically remotely programming (Fig. 33, step 622) of the media-based device to record the broadcast program at the predetermined start time (Page 82, lines 10-11; Fig. 33, step 624).

Independent **claim 19** recites a method of programming a media-based device to record content through a web-based application. This method makes use of an advertisement for a broadcast program (Fig. 32, element 604; Fig. 33, step 608), where the broadcast program is scheduled to be aired at a predetermined start time. (Fig. 32, element 602 ("tonight at 9PM1").) The method involves receiving a selection of that

advertisement. (Fig. 33, step 614.) From the selection, identification information is extracted (Page 82, lines 3-6; Fig. 33, step 616), where the identification information is associated with a user making the selection and with the broadcast program. In response to the user selection, a source web service is accessed. (Fig. 33, step 616) The method includes logging into the source web service using the identification information. (Fig. 33, step 620.) The source web service then programs the media-based device to record the selected broadcast program selected at the predetermined start time. (Page 82, lines 10-11; Fig. 33, step 622; Fig. 32, element 602.)

Independent **claim 24** recites a computer-implemented method for controlling a media-based device through a virtual browser. The virtual browser receives from a client system a selection of an advertisement of a broadcast program to be aired (Fig. 32, element 604; Fig. 33, step 608). The virtual browser extracts identification information associated with a user making the selection and with the broadcast program. (Page 82, lines 3-6; Fig. 33, step 616.) The virtual browser accesses an online web service using the identification information. (Fig. 33, step 620.) The virtual browser then invokes the media-based device to record the broadcast program selected, wherein the media-based device is different from the client system. (Page 82, lines 10-1 1; Fig. 33, step 622; Fig. 32, element 602.)

Independent **claim 29** recites a method for programming a media-based device that is network enabled. The method involves receiving from a client system a user command that causes a first server to access a second server. The first server transmits identifying information of the user to the second server. (Page 82, lines 3-6; Fig. 33, step 616.) The second server authenticates the user based on the identifying information. The

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second server then accesses the media-based device over a network to program the media-based device with the identifying information. (Page 82, lines 10-11; Fig. 33, step 622; Fig. 32, element 602.) The media-based device is different from the client system.

C.   Independent Apparatus and Article of Manufacture Claims

Independent **claim 33** recites a multi-component system. One component is a client-side system. (Page 82, line 18 - page 83, line 1; Fig. 2, element 18; Fig. 2, element 28.) The client-side system is enabled to allow selection of an online advertisement for a broadcast program while navigating a first web site. (Fig. 32, element 604; Fig. 33, step 608.) The broadcast program is scheduled to be broadcast at a predetermined start time. (Fig. 32, element 602 ("tonight at 9PM1').)

Another component is a server side system. The server side system is enabled to automatically program a media-based device to record the broadcast program after selection of the online advertisement. (Page 82, lines 10-1 1; Fig. 33, step 622; Fig. 32, element 602.) The media-based device is communicatively coupled to the server side system over a network in response to the advertisement being selected.

Independent **claim 35** recites a browser program product for programming a media-based device over a network. The browser program product is stored on a computer readable medium and adapted to enable an advertisement for a broadcast program to be provided on a first web site, wherein the broadcast program is scheduled to be broadcast at a predetermined start time. (Fig. 32, element 602 ("tonight at 9PM1').) The browser program product enables selection of the advertisement. In response to selection of the advertisement, the browser program product allows automatic

programming of the media-based device to record the broadcast program after selection of the advertisement. (Page 82, lines 10-11; Fig. 33, step 622; Fig. 32, element 602.)

Independent **claim 37** recites a computer server program product for programming a media-based device over a network. The computer server program product is stored on a computer readable medium, and it is adapted to perform the operations of a virtual browser. The computer server program product receives a selection of an advertisement of a broadcast program (Fig. 32, element 608) to be aired at a predetermined start time. (Fig. 32, element 602 ("tonight at 9PM1').) The computer server program product extracts identification information associated with a user making the selection and with the broadcast program. (Fig. 33, step 616.) The computer server program product accesses an online web service using the identification information. (Fig. 33, step 620.) The computer server program product then invokes the media-based device to record the broadcast program selected at the predetermined start time. (Page 82, lines 10-1 1; Fig. 33, step 622; Fig. 32, element 602.)

D. Dependent Claims Argued Separately

Dependent claims 3, 20 and 25 3 recites that selection of the advertisement and automatic programming of the media-based device are invoked by one click on a hyperlink. Specification paras. 10, 13, 180, 187, 188, Figures 32-33. Dependent claim 4 recites the step of "allowing the second website to monitor a count of a number of times the hyperlink is selected." Specification page 4, original claim 4.

VI.   Grounds of Rejection to be Reviewed on Appeal

Whether claims 1-40 were properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,163,316 ("Killian") in view of U.S. Patent No. 5,940,073 ("Klosterman").

VII.   Argument

Appellants appeal the rejections of the Final Office Action mailed on July 23, 2009 in which claims 1-40 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Killian in view of Klosterman. The statutory provision 35 U.S.C. § 103(a) provides:
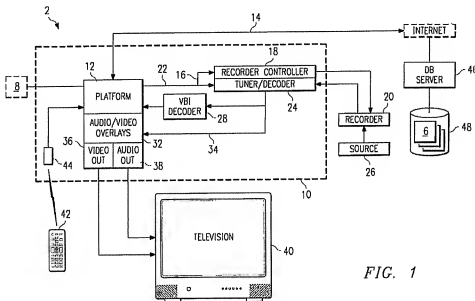
> (a) A patent may not be obtained though the invention is not identically disclosed or describe as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art.

Of the claims being appealed, claims 1, 19, 24, 29, 33, 35 and 37 are independent.

Claims 2-18 are dependent on claim 1. Claims 20-23 are dependent on claim 19. Claims 25-28 are dependent on claim 24. Claims 30-32 are dependent on claim 29. Claim 34 is dependent on claim 33. Claim 36 is dependent on claim 35. Claims 38-39 are dependent on claim 37. Reasons supporting the separate patentability for each of the above-identified issues are set forth below.

A.   Claims 1-40 Are Patentable over Killian in view of Klosterman
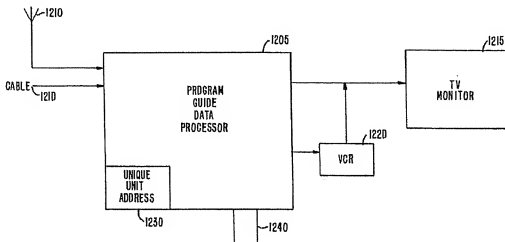
The currently appealed claims are directed to allowing television viewers to program recording devices to record TV shows when they are not at home in front of their TV. To programming a device to record shows "where the user is at a different

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physical location and is thereby unable to access the device," Applicants teach "[a]ccess to the media-based devices and appliances over the Internet." Specification, para. [0005], page 4). As such, the pending claims are directed to "remotely programming" (claims 1 and 35) or programming "over a network" (claims 29, 33, 35 and 37).

The Examiner's rejections, however, are not based on references that disclose remotely programming media recording devices. The cited Killian and Klosterman references disclose electronic program menu guides that the viewers use to select programs to watch when they are home in front of the television. Although the program guides are enhanced with information from the Internet, neither Killian nor Klosterman disclose programming TV recording devices "remotely" from a different physical location. Klosterman describes and Figure 1 shows the platform 12 directly connected to and providing the video and audio input signals to be displayed on the television, i.e., a set top box at the television set.

FIG. 1

As seen Figure 1 above, the platform 12 is physically located with and, in fact, provides the video and audio signals for display on the television.

Similarly, Figure 12 of Klosterman also shows the Program Guide Processor 1205 physically located with the television. In fact, the Program Guide Processor 1205 directly provides the video and audio of the television monitor 1215 or VCR 1220 with signals received from an antenna or cable 1210.

Thus, Klosterman also does not show remote operation over a network. The Klosterman system is directly connected to and provides the video and audio signals being displayed on the television.

 1.   **The References Do Not Show *Remotely* Scheduling a Recording Nor Recording a Broadcast Program**

Neither Killian nor Klosterman show Applicants' claimed "automatically *remotely* programming the media-based device to record the *broadcast program*" as called for by independent claims 1 and 35. Independent claims 29, 33 and 37 each includes a similar limitation that the device is remotely programmed "over a network."

The Examiner's rejection is based on Killian allegedly teaching "how a website interface allows a user to select to record a show on a recorder at the predetermined start time; column 5 line 51 – column 6, line 5 and column 8, lines 19-26, Killian." Office Action at pgs. 2-3. The Examiner acknowledges that Killian does not select an

advertisement to schedule a recording. The Examiner cites Klosterman, however, as providing advertising that can be selected to schedule recording a program. Klosterman, Col. 2, lines 14-17. Applicants respectfully traverse the Examiner's rejection.

Killian shows information and advertisements downloaded from Internet link 14 to a platform 12 for display on the viewer's television 40. The platform 12 in Killian, however, is not remote from the television or device being programmed, but is a set top box connected to the viewer's television to "synchronize and integrate television signals and Internet information to display on the [viewer's] television 40" as shown in Figure 1. Column 3, lines 19-24. The platform 12 of Killian is a set top box that is directly connected to provide the video signals for display on the user's television 40. Because the platform 12 is located at the same physical location of the television 40, Killian does not teach *remotely* programming recordings over a network, rather it merely provides a way for viewers to program a recorder locally from the television itself.

The Examiner's citation of Klosterman does not cure the deficiencies of Killian. Klosterman is directed to electronic program guides received by a set-top box, VCR, IRD, or integrated into the user's television. Column 1, lines 55-63. Although Klosterman describes that advertisements can be displayed and selected, Klosterman does not disclose remotely connecting to and scheduling the recording of a program over a network. Rather, Figure 12 shows the system with the program guide data processor directly connected to the local VCR and TV monitor.
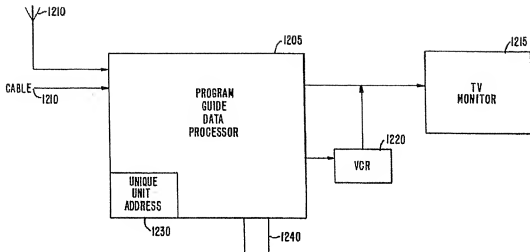
Figure 12 shows the Program Guide Data Processor 1205 directly connected to the television 1215, just like the VCR 1220. The devices are directed connected to provide display signals to the television. As the devices are directly connected, there is no network between the devices. Klosterman further describes that devices to receive and display program guide information are directly connected or even integrated to the television. Col. 1, lines 57-63. Klosterman does not disclose remote programming.

As a result, the combination of Killian and Klosterman does not show Applicants' pending claims. Killian and Klosterman obtain information from the Internet to provide information for display, but they do not show remotely programming over a network to record programs. As such, independent claims 1, 19, 24, 33, 35 and 37 are all similarly allowable.

> **2.** **Klosterman Does Not Show Selecting An Advertisement of a Program To Record The Program When It Is Broadcast**

Moreover, even assuming Klosterman did provide remote programming through a computer (which it does not) Klosterman still does not teach that the "selection of the advertisement" causes "automatically remotely programming the media-based device to

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record the *broadcast program*" itself as called for by independent claims 1, 19, 24, 33, 35 and 37. Rather, Klosterman is clear that selection of the "advertising information regarding the product" causes the user to "see a billboard or *schedule recording of an infomercial of the product*," i.e., merely providing viewing or recording of more advertising, not the broadcast program itself. Column 2, lines 14-17. Klosterman discloses recording more advertising ("informercial"), it does not teach remotely scheduling the recording of the "*broadcast program*." Thus, neither reference shows Applicants' pending claims independent claims 1, 19, 24, 33, 35 and 37.

Because independent claims 1, 19, 24, 33, 35 and 37 are allowable, all pending claims 2-18, 20-23, 34, 36 and 38-40 depend from the allowable independent claims and are also allowable for the same reasons.

B. Claims 19-28 and 37-39 are Further Allowable As Killian and Klosterman Do Not Show "Identification Information"

Independent claims 19, 24, and 37 are also allowable for another additional independent reason. These claims recite the extraction of "identification information" that is used for "logging into the source web service" (claim 19) or "accessing" such a service (claims 24, 37).

The Examiner cites "viewer profiles" (Killian, column 9, lines 10-25; column 10, lines 1-17) as identification information. Killian, however, does not show Applicants claimed "identification information" for "logging into the source web service" (claim 19) or "accessing" such a service (claims 24, 37). First, Killian makes no mention of "identification information." In addition, Killian's viewer profiles are not used for "logging into the source web service." Rather, Killian's viewer profiles are a collection

of user rankings and preferences to "indicate the desirability of programming" and "the degree to which the viewer will likely enjoy programming":

> For each option presented to the viewer in connection with preference templates 82, preference templates 82 allow the *viewer to provide ranking information that EPG 70 uses to generate viewer profile 84 and provide enhanced viewing* opportunities according to viewer profile 84, as discussed more fully below. Referring to FIG. 4, genre preference template 82 includes options 86 and corresponding rankings 88 in any suitable presentation format that is viewable on television 40. In one embodiment, the viewer provides a ranking 88 for each option 86 to *indicate the desirability of programming* associated with option 86 according to any suitable scale, standard, or other criteria. For example, for each option 86, template 82 might include any number of circles, boxes, or other locations on template 82 that each correspond to a qualitative assessment of *the degree to which the viewer will likely enjoy programming* associated with option 86.

Col. 10, lines 1-17. Thus, Killian discloses user preferences to track the desirability of programming; it makes no mention of using user preferences for "logging into the source web service."

Klosterman also does not disclose identification information for "logging into the source web service" (claim 19) or "accessing" a service (claims 24, 37). The Examiner attempts to cite to Klosterman's disclosure of authorizing payment for programming as disclosing using identification information for logging into the source web service. Col, 2, lines 50-60. However, common experience tells us authorizing transactions for payment such as credit or debit cards does not require logging into any account. As such, Klosterman's authorization of payment does not inherently disclose using identification information for logging in. Thus, independent claims 19, 24, and 37 (and dependent claims 20-23, 25-28 and 38-40) are allowable for this reason as well.

C. Claims 3, 20 and 25 Are Further Allowable As Killian and Klosterman Do Not Disclose a One-Click Programming Method

Dependent claim 3 recites that selection of the advertisement and automatic programming of the media-based device are invoked by one click on a hyperlink. This claim was rejected on the ground that "Killian allows for various input devices, including a mouse and touch screen and teaches the use of hyperlinks," citing Killian, col. 4 lines 47-50 and col. 5, lines 10-29. See Final Office Action, at 4. Klosterman also allegedly "teaches how a user is allowed to click on an advertisement which allows for the scheduling of the recording," citing Klosterman col. 2, lines 14-17.

The use of a mouse or touch screen to select hyperlinks, however, neither expressly nor inherently discloses that "one click on the hyperlink" will invoke "automatic programming of the media-based device." Clicking on a hyperlink merely brings the user to another web page. There is no teaching in Killian that a single click on the hyperlink automatically schedules a recording without any further clicks. Similarly, Klosterman teaches that "the user may click on the information region to see a billboard or schedule a recording of an infomercial on the product." Col. 2, lines   Klosterman does not teach that a single click on the information region automatically schedules the recording. Rather clicking on the information region takes the user to a website to schedule the recording. Thus, claim 3 is not rendered obvious by Killian and Klosterman and is allowable.

Claims 20 and 25 similarly recite that "the media-based device records the broadcast program with one click ... of the advertisement." Again, the combination does not disclose a broadcast program being recorded with a single click on an advertisement. Thus, claims 20 and 25 are further allowable for this independent reason.

D. Claims 29-32 are Further Allowable As Killian and Klosterman Do Not Use Multiple Servers

Independent claim 29 further recites that a first server "transmit[s] identifying information of the user to the second server." As described above, Killian and Klosterman do not disclose using identifying information of the user. Thus, the combination does not disclose sharing identifying information among more than one server, such as the first and second server of claim 29. Accordingly, neither claim 29, nor its dependent claims 30-32 are rendered obvious by Killian and Klosterman.

E. Claims 4-5 Are Further Allowable As Killian and Klosterman Do Not Disclose Keeping a Count of Hyperlink Selection

Claim 4 recites the step of "allowing the second website to monitor a count of a number of times the hyperlink is selected." This claim was rejected on the ground that "it is inherent that cookies are applied" in Killian's design, citing Killian at column 10, lines 1-17. Cookies, however, are not mentioned in the Killian patent. Indeed, the word "cookie" never appears. Moreover, the cited portion of Killian (Col. 10, lines 1-17) the Examiner relies upon refers to ranking information and genre preferences. Cookies are not disclosed or necessary, much less inherent.

Further, even if the use of cookies were inherent in Killian's design, which they are not, there is no disclosure that any such cookies are used to monitor the number of times a hyperlink is selected. Accordingly, claim 4 and its dependent claim 5 cannot be rendered obvious by Killian and Klosterman.

F.   Conclusion

Applicant has demonstrated that the rejections of claims 1-40 are clearly erroneous for the reasons stated above. Applicant therefore requests reversal of the rejections and allowance of all pending claims in this application.

Respectfully submitted,

Date: March 18, 2010   By: __/George I. Lee/____
                                George I. Lee
                                Reg. No. 39,269

VIII.   Claims Appendix

1. (Previously amended) A method of programming a media-based device over a network, the method comprising:

enabling an advertisement for a broadcast program to be provided on a first web site, wherein the broadcast program is scheduled to be broadcast at a predetermined start time;

enabling selection of the advertisement; and

in response to selection of the advertisement, automatically remotely programming the media-based device to record the broadcast program at the predetermined start time.

2. (Previously presented) The method according to claim 1, wherein the advertisement comprises a hyperlink to a second web site capable of accessing the media-based device, the hyperlink being embedded in the first web site.

3. (Previously presented) The method according to claim 2, wherein enabling selection of the advertisement and allowing automatic programming of the media-based device are invoked by one click on the hyperlink.

4. (Previously presented) The method according to claim 2, further comprising:

allowing the second website to monitor a count of a number of times the hyperlink is selected; and

enabling the second website to periodically collect revenue from the first website based on the count.

5. (Previously presented) The method according to claim 4, wherein the revenue comprises a percentage of advertising revenue associated with the advertisement.

6. (Previously presented) The method according to claim 1, wherein the media-based device comprises a video replay system.

7. (Previously presented) The method according to claim 1, wherein enabling selection of the advertisement comprises:

    enabling identification of a user selecting the advertisement; and

    enabling authentication of the user with the media-based device.

8. (Previously presented) The method according to claim 7, wherein enabling identification of a user selecting the advertisement comprises:

    allowing identification of a cookie associated with the user; and

    enabling the cookie to be forwarded to the media-based device.

9. (Previously presented) The method according to claim 8, wherein the cookie is extracted from a client enabled to communicate with the first website.

10. (Previously presented) The method according to claim 8, wherein the cookie is extracted from a computer hosting the first website.

11. (Previously presented) The method according to claim 7, wherein enabling identification of a user selecting the advertisement comprises:

    enabling linking of the first web site to a second web site;

    allowing navigation to the second web site; and

    in response, the second web site enabling prompting of a user for identification data.

12. (Previously presented) The method according to claim 7, wherein enabling identification of a user selecting the advertisement comprises:

    enabling determination of a URL for the first web site; and

    enabling determination of partner identification information associated with the first web site.

13. (Previously presented) The method according to claim 1, wherein allowing automatic programming the media-based device to record the broadcast program comprises:

> enabling determination of a user associated with the media-based device;

> allowing navigation from the first web site to a second web site; and

> allowing the user to log into the second web site.

14. (Previously presented) The method according to claim 1, wherein the advertisement comprises a clickable online advertisement for a broadcast program to be aired.

15. (Previously presented) The method according to claim 14, where broadcast program comprises a television program.

16. (Previously presented) The method according to claim 14, where broadcast program comprises a cable program.

17. (Previously presented) The method according to claim 14, where broadcast program comprises a pay-per-view program.

18. (Previously presented) The method according to claim 14, where broadcast program comprises a satellite-based program.

19. (Previously presented) A method of programming a media-based device to record content through a web-based application, comprising:

> receiving a selection of an advertisement of a broadcast program to be aired at a predetermined start time;

> extracting identification information associated with a user making the selection and with the broadcast program;

> accessing a source web service in response to the user selection received;

> logging into the source web service using the identification information; and

the source web service programming the media-based device to record the broadcast program selected at the predetermined start time.

20. (Previously presented) The method according to claim 19, wherein the media-based device records the broadcast program with one click from the user of the advertisement.

21. (Previously presented) The method according to claim 19, wherein the advertisement comprises a clickable online advertisement for a broadcast program.

22. (Previously presented) The method according to claim 19, further comprising: collecting revenue based on the advertisement selected.

23. (Previously presented) The method according to claim 19, wherein the media-based device comprises a digital video recorder.

24. (Previously presented) A computer-implemented method for controlling a media-based device through a virtual browser, the method comprising the steps of the virtual browser:
receiving from a client system a selection of an advertisement of a broadcast program to be aired;
extracting identification information associated with a user making the selection and with the broadcast program;
accessing an online web service using the identification information; and
invoking the media-based device to record the broadcast program selected, wherein the media-based device is different from the client system.

25. (Previously presented) The method according to claim 24, wherein the media-based device records the broadcast program with one click of the advertisement.

26. (Previously presented) The method according to claim 24, wherein the advertisement comprises a clickable online advertisement for the broadcast program.

27. (Previously presented) The method according to claim 24, further comprising: collecting revenue based on the advertisement selected.

28. (Previously presented) The method according to claim 24, wherein the media-based device comprises a digital video recorder.

29. (Previously amended) A method for programming a media-based device that is network enabled, comprising:

receiving from a client system a user command that causes a first server to access a second server, the first server transmitting identifying information of the user to the second server;

the second server authenticating the user based on the identifying information, the second server accessing the media-based device over a network to program the media-based device with the identifying information, wherein the media-based device is different from the client system.

30. (Previously presented) The method according to claim 29, wherein the user command comprises the user clicking on an online advertisement hosted by the first server.

31. (Previously presented) The method according to claim 29, wherein the advertisement identifies a broadcast program to be aired, and the identifying information comprises data related to the broadcast program.

32. (Previously presented) The method according to claim 29, wherein the media-based device comprises a digital video recorder.

33. (Previously presented) A system, comprising:

a client side system enabled to allow selection of an online advertisement for a broadcast program while navigating a first web site, wherein the broadcast program is scheduled to be broadcast at a predetermined start time, and

a server side system enabled to automatically program a media-based device to record the broadcast program after selection of the online advertisement, the media-based device being communicatively coupled to the server side system over a network in response to the advertisement being selected.

34. (Previously presented) The system of claim 33, wherein the media-based device comprises a digital video recorder.

35. (Previously amended) A browser program product for programming a media-based device over a network, the browser program product being stored on a computer readable medium and adapted to perform the operations of:

enabling an advertisement for a broadcast program to be provided on a first web site, wherein the broadcast program is scheduled to be broadcast at a predetermined start time;

enabling selection of the advertisement; and

in response, automatically remotely programming the media-based device to record the broadcast program after selection of the advertisement.

36. (Previously presented) The browser program product according to claim 35, wherein the media-based device comprises a digital video recorder.

37. (Previously presented) A computer server program product for programming a media-based device over a network, the computer server program product stored on a computer readable medium, and adapted to perform the operations of a virtual browser, comprising:

receiving a selection of an advertisement of a broadcast program to be aired at a predetermined start time;

extracting identification information associated with a user making the selection and with the broadcast program;

accessing an online web service using the identification information; and

invoking the media-based device to record the broadcast program selected at the predetermined start time.

38. (Previously presented) The computer server program product according to claim 37, wherein the media-based device comprises a digital video recorder.

39. (Previously presented) The computer server program product according to claim 37, wherein the advertisement comprises a clickable online advertisement for the broadcast program.

40. (Previously presented) The method according to Claim 13, wherein allowing automatic programming of the media-based device to record the broadcast program, further comprises:

allowing detection of whether the user selected the advertisement previously; and

in response to the user previously not selecting the advertisement, enabling the second web site to communicate with the media-based device to record the broadcast program.

IX. Evidence Appendix

This appendix does not contain any additional evidence.

X.   Related Proceedings Appendix

None.